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**ENTERED**TAWANA C. MARSHALL, CLERK  
THE DATE OF ENTRY IS  
ON THE COURT'S DOCKET**The following constitutes the ruling of the court and has the force and effect therein described.****Signed May 21, 2007**  
**United States Bankruptcy Judge**

BTXN 057 (rev. 10/02)

UNITED STATES BANKRUPTCY COURT  
NORTHERN DISTRICT OF TEXASIn Re:  
Avia Energy Development, LLCAvia Energy Development, LLC et al.  
vs.  
Carlos Francisco Navarro et al.Debtor(s)  
Plaintiff(s)  
Defendant(s)§  
§  
§  
§  
§  
§Case No.: 05-39339-bjh11  
Chapter No.: 11  
Adversary No.: 05-03658-bjh**ORDER DENYING MOTION FOR WANT OF PROSECUTION**

The Court, after review of the file and docket in the above entitled and numbered case, finds that on January 20, 2006 , Avia Energy Development, LLC, Avia de mexico S. de R.L. de C.V., James C. Musselman filed a Motion for Summary Judgment .

The Court also finds that more than forty-five (45) days have passed since the filing of this Motion and that:

- a Certificate of No Objection has not been filed with respect to the Motion as required by N.D. TX L.B.R. 9007.1(d).
- no hearing has been requested.
- Other:

The Court finds that insufficient action has been taken to obtain the relief sought. It is, therefore

**ORDERED** that the Motion is **DENIED** for want of prosecution without prejudice to refiling.

# # # End of Order # # #